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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

FEBRUARY 27, 2006

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
PAT TORPEY
KIM GANN
KATHLEEN LOCEY
ERIC LUNDSTROM

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

REGULAR MEETING

MR. KANE: I'd like to call to order the February 27,
2006 Zoning Board of Appeals meeting for the Town of
New Windsor.

MOTION TO ACCEPT THE MINUTES OF JANUARY 9 AND JANUARY
23, 2006

MR. KANE: Motion to accept the minutes of January 9
and January 23.

MS. GANN: So moved.

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MS. LOCEY: I'll second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS:

WILLIAM_WALKER_(FOR_CRAIG_FILIPPINI)_(06-06)

MR. KANE: Request for 2 ft. rear yard setback for existing deck at 3 Park Raod in an R-4 zone.

Mr. William Walker appeared before the board for this proposal.

MR. KANE: For those of you here for the other preliminary meetings what we do in New Windsor there's two meetings, one is a preliminary, we get an idea of what you want to do, give you an idea of what we need to see to make a decision. And then you come back for a public hearing because we have to make all the decisions in a public format. This allows us to get an idea some. Towns it's cold, you walk in, you don't have the right stuff, you lose. So it's a little bit bigger, takes a little longer but it's better. Mr. Walker, just speak loud enough so this young lady over there can hear you.

MR. WALKER: Bill Walker representing Craig and Brook Filippini. We have a request before the board for a variance for, two foot variance on the rear yard setback which would, it's just for a deck, there's an existing, not an existing, we just put an addition on the back with a deck off the back, the addition was 58 feet from the property line, there's a 20 x 10 deck which now is 48 feet from the rear property line and therefore we're requesting a two foot variance.

MR. KANE: So the deck that's going up is new?

MR. WALKER: Yes.

MR. KANE: Similar in size and nature to other decks that are in your neighborhood?

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MR. WALKER: Yes.

MR. KANE: Creating any water hazards or runoffs with the building of the deck?

MR. WALKER: No.

MR. KANE: Cut down any trees or substantial vegetation?

MR. WALKER: None at all.

MR. KANE: How far back does your property go from there?

MR. WALKER: From the deck it's another 48 feet to the rear property line.

MR. KANE: It's 50 now Mike?

MR. BABCOCK: Yes, that's the new code, Mr. Chairman, it would have been 40 feet with the existing code when this house was built.

MR. KANE: Any further questions?

MR. BABCOCK: The gentlemen said that it was a 10 x 20 deck and all my paperwork says 10 x 16.

MR. WALKER: That could have been--

MR. BABCOCK: Everything says it's 10 x 20, it doesn't matter.

MR. WALKER: Yeah, it goes the entire length but it's ten feet deep.

MR. BABCOCK: That's fine, just so we have the proper measurements.

MR. KANE: If you look on the inside it says 20 there.

MR. BABCOCK: That's the addition, I think the addition is 20.

MR. KANE: This is going across the whole addition in the back?

MR. WALKER: Correct.

MR. KANE: Just need to correct that for the formal hearing.

MR. LUNDSTROM: Just a question. What's your relationship to the owner?

MR. WALKER: I'm the builder of the addition, I did the work on their property.

MR. LUNDSTROM: Are you aware of are there any other structures in that area that may be, you know, encroaching upon the two foot variance or--

MR. WALKER: On their property?

MR. LUNDSTROM: Not theirs but a neighboring property?

MR. WALKER: Not that I'm aware of, it's pretty open in the back, even on their property, I don't even think there's a shed in the area. I know there's nothing on their property at all in the back.

MR. KANE: Any other questions? Can I have a motion to set up for a formal public hearing?

MS. GANN: I'd like to offer a motion to set up William Walker for a public hearing request for 2 foot rear yard setback for existing rear deck at 3 Park Road in an R-4 zone.

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MR. LUNDSTROM: I'll second it, Mr. Chairman.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. KANE: You're all set for the public hearing, just complete everything on there, get it back to Myra then we can get you scheduled. Have a good evening.

STEVEN_PONESSE_&_DAWN_MARIE_MULDER_(06-09)

MR. KANE: Request for area variances, 12 ft. side yard setback, 14 ft. rear yard setback and 15% developmental coverage, interpretation for single family home with two kitchens all at 33 Continental Drive.

Mr. Steven Ponesse and Dawn Marie Mulder appeared before the board for this proposal.

MR. KANE: Hi, explain to us what you want to do, sir.

MR. PONESSE: I want to put on a 30 x 24 place for my parents to move in cause my mother's handicapped, I want to make everything handicapped accessible to get in and out and live with us. I want to put a deck off the back, a screened-in porch which will be the length of it 12 x 30 also on the back of that.

MR. KANE: It's the, you have a 12 foot side yard setback, is that for the deck?

MR. PONESSE: I don't, altogether it's going to be with the deck it's going to be 30 x 35, I believe the whole thing.

MR. TORPEY: What is it without the deck?

MR. PONESSE: Take the 12 feet off.

MR. BABCOCK: The rear if you see the addition from Continental Drive the addition is on the right-hand side, it's, he's making the house 30 feet longer and the requirements are 20 foot, he's only going to provide 8 so he needs a variance of 12.

MR. PONESSE: Right for the side because I'm going off the side of the house.

MR. KANE: So we're going to have just 8 left on the

side.

MR. BABCOCK: That's correct.

MR. KANE: How far is the home next to you towards that side, how far are they off their property line?

MR. PONESSE: If I put the addition or right now?

MR. KANE: With the addition.

MR. PONESSE: With the addition probably going to be another probably 50 feet, maybe even longer to their garage.

MR. KANE: The addition is going to be 30 x 35?

MR. PONESSE: Yes.

MR. KANE: Two story, one story?

MR. PONESSE: No, one story.

MR. LUNDSTROM: Mr. Chairman, going to be any kitchen facilities in that addition?

MR. PONESSE: Yes.

MR. LUNDSTROM: So that will be considered an accessory apartment then?

MR. PONESSE: Well, that's what I was talking to Myra about, you know, about that situation.

MR. KANE: What we've done here as a board to, we take a look at all second kitchens, we make sure that they say in the formal hearing that it will forever be used only as a single family house, not as an apartment. One meter coming into the home for gas and electric?

MR. PONESSE: Yes.

MR. KANE: And there's no locked doors where you don't have access to the addition?

MR. PONESSE: No.

MR. KANE: So it's really part of the home and like a second kitchen and that's what we like to try to get them on record stating exactly what's going on because a lot of people have a summer kitchen, I grew up with it, I'm a little bit older, but they have that.

MR. PONESSE: I was going to use mine but my mother's kind of handicapped so she can't get around too well so I want to make it as easy as possible for her.

MR. KRIEGER: I think when we do an interpretation we should have him fill out a short form environmental assessment form.

MR. LUNDSTROM: Is your mother able to get around with a walker?

MR. PONESSE: She's with a walker right now, hopefully, she stays with the walker so--

MS. MULDER: She fell and broke her hip three years ago so she has a terrible time getting around.

MR. LUNDSTROM: How old of an individual is she?

MR. PONESSE: She's 68, my father's 70.

MR. LUNDSTROM: So both parents?

MR. PONESSE: Yes, both are going to be moving in.

MS. MULDER: They lived in New Windsor all their life, they don't want to leave.

MR. LUNDSTROM: Excuse me, how far away do they live from here?

MR. PONESSE: Clintonwood Drive right by New Windsor School, 37 years they were there.

MR. KANE: With the addition on the home, is that going to keep the home in similar in size and nature as other homes that are in your neighborhood?

MR. PONESSE: Pretty much, yeah, it's not too--

MR. KRIEGER: Similar, doesn't have to be identical.

MR. PONESSE: It's going to be a little bit bigger but not much.

MR. KANE: And your, once again we'll do it in the public hearing, but your intent is to use it as a single family home?

MR. PONESSE: Correct.

MR. KANE: And just as a second kitchen?

MR. PONESSE: Yes.

MS. LOCEY: Is there another design that might be able to, you might be able to use?

MR. PONESSE: Do you have it to kind of show it?

MR. KANE: The eight foot is a little, I'd like a little bit more room in there if it's possible even getting it to ten to me is because that needs to be--

MR. PONESSE: Well, if we have to shorten it up, I'd have to do it, I want to keep it all with my house, my house is 24 so I want to try to keep it 24.

MR. KANE: Possibility of giving up two feet on that?

MR. PONESSE: Sure, if I have to, yeah, that's not a problem.

MR. KANE: Because that used to be in New Windsor, if I remember, it used to be 10 foot, 12 foot sounds good to you guys, 10 foot?

MR. BABCOCK: Mr. Chairman, the other thing you've got that the width of this new addition is 35 feet, I don't think your existing home is 35 feet, is it?

MR. PONESSE: No, with the deck cause I have the deck on the back so the screened-in porch is going to be off that addition kind of, I'm just adding it altogether.

MR. BABCOCK: What you could do, Mr. Chairman, in this situation to make this work for these people is that and I don't know if they'd like to do this but if they set this back, the farther they go back the farther away from the line they get, put a jog in the house, it looks nice also, instead of having a continuous run of a home that's, you know, going to be 60 some, 70 feet long if the house goes back, jogs back probably five to six foot.

MR. KANE: We'd pick up more because of the angle.

MR. BABCOCK: It would go away farther.

MR. KANE: But we'd have to give them more on the rear variance.

MR. BABOCCK: Yeah, but he's got 36 feet.

MR. KANE: So it's not as extreme. What do you think?

MR. PONESSE: I think I'd rather just keep it even to

be honest with you.

MR. BABCOCK: Just a thought.

MR. PONESSE: Cause I'm going to turn it the other way, I'm not going to run it, all the same roof line, I'm going to turn it to break it up a little bit too the house.

MS. GANN: What do you mean?

MR. PONESSE: Well, the roof line, you got the picture in there?

MR. LUNDSTROM: Gable going this way.

MR. PONESSE: Yes, I'm going to turn the gable to kind of break it up.

MR. LUNDSTROM: Looking at this plan, are you now agreeing that instead of 30 feet long you're going to cut it back to 28 feet?

MR. PONESSE: Sure, we'll go to 28.

MR. KANE: I'm more comfortable with ten feet and I don't have a problem with the developmental coverage, that just brings you to 35 total, okay, I think we have enough. Any other questions?

MR. LUNDSTROM: Just one word of advice, having a 90 year old mother who lives with me, if you're going to build this new, make sure the doors are wide enough for a wheelchair.

MR. PONESSE: Yeah, everything is handicapped accessible, bathroom doors are wide enough.

MR. LUNDSTROM: I've seen some people go out and do the expense and when it gets to the point of a wheelchair

you're out of luck.

MR. PONESSE: No, we have three foot doors on everything.

MR. KANE: Any other questions?

MR. PONESSE: I also I don't know, driveway I'm putting in, I don't know if I need to get--

MR. BABCOCK: Well, he'll need a driveway permit but we'll take care of that once he gets the process going.

MR. LUNDSTROM: Does not need a variance then?

MR. BABCOCK: No.

MR. KANE: Part of the developmental coverage?

MR. BABCOCK: Yeah, it's included, yeah.

MR. TORPEY: You have to cut the curb.

MR. PONESSE: Yeah, I need to cut the curb.

MR. KANE: That has nothing to do with us though.

MR. BABCOCK: Just get a driveway permit once you apply for it.

MR. PONESSE: I did already but I want to make sure I didn't need a variance that way I'm sure.

MR. KANE: The only thing you'd need would be developmental coverage and those numbers are okay.

MR. PONESSE: I'm putting an above-ground pool, I don't need to be ten foot off?

MR. KANE: You have to be more than ten feet.

MR. BABCOCK: Ten feet there is fine.

MR. PONESSE: I'm all right with that?

MR. KANE: I live in Butterhill, they nailed us with that, we're 12.

MR. PONESSE: Now what I want to do, I don't know if I can do that now, now that I'm putting up the pool, can I get a permit to maybe add on the deck onto my other deck around the pool or--

MR. KANE: Now all your offsets change, it becomes part of the house.

MR. PONESSE: What do you mean?

MR. KANE: Once the pool attaches to the deck that attaches to the house your rear offset changes, if it's a separate building, pool, separate entity on there you have your ten foot from your property line, once that's all connected to the house, it becomes part of your house, your rear is 50 feet.

MR. PONESSE: If that's up against--

MR. KANE: If you want it close you would have to have a set of steps going down and another coming up or go for a variance for the back of the line to wherever the pool ends.

MR. TORPEY: Becomes part of the house.

MR. PONESSE: My deck that's there already and I'm putting the pool up against the deck, is that okay?

MR. KANE: As long as you have enough with what you're showing us right here.

MR. PONESSE: I have more than ten feet from the pool to the fence line.

MR. KANE: It will stay ten feet to the sides but instead of ten feet to the rear as soon as that's part of the house it becomes 50 feet.

MR. TORPEY: You're connecting the pool to the house with the deck so it's over.

MR. PONESSE: Well, if I just leave it off the deck a little bit as long as it's not touching the deck.

MR. KANE: Set of steps going down, separate steps going up, don't get fancy and make a bridge you can remove, we don't go for that.

MR. BABCOCK: You need to talk to Lou, you dealt with Lou in the house, talk to Lou, Lou will walk you through that if you need to.

MR. KANE: Once you see it on paper, it will make sense.

MR. BABCOCK: If you need a variance we'll modify this paperwork.

MR. PONESSE: That's what I figure while I'm here now.

MR. KANE: As long as it's not connected, you shouldn't need any variance.

MR. PONESSE: Okay, all right.

MR. KANE: Any other questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing for the application of Steven Ponesse and Dawn Marie Mulder for their request for area variances, 12 foot side yard setback, 14 foot rear yard setback--

MR. KANE: Make that 10 foot side yard setback.

MS. LOCEY: Correct, 14 foot rear yard setback, 10 foot side yard setback, 15 percent developmental coverage and also to discuss and interpret their home as single family, is or is not a single family home with two kitchens at 33 Continental Drive in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

JORG_FRISCHKNECHT_(05-72)

MR. KANE: Request for 7 ft. maximum building height for proposed detached two-car garage at 2 Oak Ridge Drive.

Mr. Jorg Frischknecht appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. FRISCHKNECHT: Well, I wanted to have a higher garage because my van, my business called Leak Finders and the van is kind of high and I'd like to make my own maintenance of the car and I want to install a lift so the car can be lifted and the regular height actually it doesn't even fit in the regular height of 8 feet high, the van alone is 9 feet almost.

MR. KANE: I'm in the pool business so I happen to know what he does and if you have ever seen the new type vans that are kind of really tall and square that's the type of van.

MR. FRISCHKNECHT: Like the Fed-Ex, so I want to lift, it will not lift completely but at least half high so I can go underneath in case I need to. That's the reason to put the height, extra height.

MR. KANE: Cutting down any trees or removing substantial vegetation?

MR. FRISCHKNECHT: No, it has been cut last year but the trees were falling so--

MR. KANE: Nothing substantial though?

MR. FRISCHKNECHT: No.

MR. KANE: Create any water hazards or runoffs?

MR. FRISCHKNECHT: No, I'm the top of the hill, no, I'm not accumulating water.

MR. KANE: Garage itself will be same in size and nature to other garages in the neighborhood in your area? It's not overly big, it's a one car garage, two car garage?

MR. FRISCHKNECHT: The most houses that are in the neighborhood the garage is attached to the house and it's vinyl, I want to make brick so it's a little different, yes.

MR. KANE: Little different but if you've seen detached garages this isn't huge, like this is a normal garage, detached garage?

MR. FRISCHKNECHT: It may look a little except for the height for two cars so it's a little and because of the topo I cannot make a rectangular, the wall is a little like this, it looks a little different.

MR. TORPEY: What are you going to be lifting?

MR. FRISCHKNECHT: The van.

MR. TORPEY: You're going to lift that van in the garage?

MR. FRISCHKNECHT: If it's possible, that's why I need the higher height.

MR. TORPEY: You need a lot of height there.

MR. FRISCHKNECHT: I will not lift the whole hundred percent.

MR. KANE: Not to walk under.

MR. TORPEY: You're still going to be installing a lift in the garage, a car lift?

MR. FRISCHKNECHT: Yeah, is that a problem?

MR. TORPEY: It's a pretty tall van.

MR. FRISCHKNECHT: Now when he mentioned the van, they have two different heights, the one I have has a lowest height, not the like Fed-Ex which is higher than high, you can stand inside that one, in my van you cannot stand a little.

MR. TORPEY: It's a Mercedes?

MR. FRISCHKNECHT: Yes.

MR. TORPEY: And you have to maintain that? That's a pretty good vehicle.

MR. FRISCHKNECHT: You don't want to know how much problems I had with maintenance. Previously I had a Dodge and five years all I did was change the oil and put gasoline but this thing I don't know but it's, it's history now so I have to keep going with that.

MR. KANE: I'll ask at this point if there's anybody in the audience that's here for this particular meeting? Nobody cares. We have opened and closed the public portion of the meeting, I'll ask Myra how many mailings we've had.

MS. MASON: Well, on December 22, I mailed out 41 envelopes containing the notice of public hearing. Mr. Frischknecht didn't come for the first public hearing so for the second one we just readvertised in the paper on February 14, we didn't send out the extra notices.

MR. LUNDSTROM: Did anyone appear as a result of the first mailing?

MS. MASON: No.

MR. KANE: Any questions?

MS. LOCEY: You don't, if I understand this correctly, you don't propose to do commercial auto repairs?

MR. FRISCHKNECHT: No, no, this is my personal, yes, absolutely, absolutely, I like to do everything with my hands.

MR. TORPEY: How high is the garage going to be?

MR. BABCOCK: Twenty-two feet.

MR. FRISCHKNECHT: The inside will be two times 8, 16.

MR. KANE: Twenty-two to the top?

MR. FRISCHKNECHT: Twenty-two to the pitch.

MR. TORPEY: You're going to have 16 foot ceilings?

MR. FRISCHKNECHT: That's correct, yes.

MR. KANE: Accept a motion.

MS. GANN: I'll offer a motion that we grant Jorg Frischknecht his request for 7 foot maximum building height for proposed detached two car garage at 2 Oak Drive in an R-4 zone.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN AYE

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MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

ERICA_GRASSI_(06-02)

MR. KANE: Request for 13.3 feet side yard setback for proposed addition to existing single-family dwelling at 64 Merline Avenue.

Ms. Erica Grassi appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. GRASSI: I want to put an extension on my house, going out how many feet, dad, 15, 16 feet and up and over.

MR. KANE: Your home as it exists now is it a small home in the neighborhood that you're in?

MS. GRASSI: It's small, 20 x 20.

MR. KANE: Putting the addition on will you be cutting down any trees? I know I can see it but--

MS. GRASSI: No trees are coming down.

MR. KANE: No substantial vegetation, no creating water hazards or runoffs?

MS. GRASSI: No.

MR. KANE: Any easements going through that area of your property?

MS. GRASSI: No.

MR. KANE: And with the addition, the home itself is going to be similar in size and nature to the other homes that are in your neighborhood?

MS. GRASSI: Yes.

MR. KANE: I'll ask if there's anybody in the audience that wants to speak for this petition? Nobody's here. We open and close the public portion of the meeting and ask Myra how many mailings.

MS. MASON: On February 8, we mailed out 79 envelopes and had no response.

MR. KANE: Any further questions?

MS. LOCEY: You'll be less than 7 feet from your side?

MS. GRASSI: More than 7 feet, we've got 15 feet.

MS. LOCEY: Is that what you're requesting?

MR. KANE: No, they're requesting 13.3 variance, they're allowing 7, you need 20, they have 7 requesting 13.3.

MS. LOCEY: Right so it's 6.7 feet off of the side yard?

MR. BABCOCK: That's correct.

MS. LOCEY: And I just want to ask if that's kind of the norm in that neighborhood?

MS. GRASSI: Yes.

MR. KANE: Honestly doesn't look like it from the pictures I see.

MS. LOCEY: Well, nobody responded to 70 plus.

MR. TORPEY: She's actually in a pretty big area for that spot.

MR. KANE: Any further questions?

MR. BABCOCK: I'd like to ask the applicant, lot 409 and 408 is that all one lot or are we building a house splitting a lot, do you know, ma'am?

MR. KANE: This is what he's talking about.

MS. GRASSI: Well, that's all my lot, I don't know about splitting a lot.

MR. LUNDSTROM: 408 is your lot and 409?

MR. TORPEY: Six and seven are two separate lots or one whole lot?

MR. BABCOCK: I don't know.

MR. KANE: That's the way it looks.

MR. BABCOCK: Do you have one deed?

MS. GRASSI: Yes.

MR. BABCOCK: You get one tax bill?

MS. GRASSI: Yes.

MS. MASON: There's only one tax lot number.

MR. TORPEY: Are those dots where the house sits on those lots?

MR. BABCOCK: The dots are splitting that lot right in half, see it, that's two lots, it was two lots at some point.

MR. LUNDSTROM: It may have been two lots that were then combined for tax billing purposes.

MR. BABCOCK: If they weren't combined we'd want them

combined. It's fine, Mr. Chairman.

MR. KANE: Any other questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Erica Grassi for 13.3 foot side yard setback for proposed addition to an existing single family dwelling at 64 Merline Avenue in an R-4 zone.

MS. GANN: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

CALLAHAN/CREAGAN_(06-03)

MR. KANE: Request for 26,777 minimum lot area and 17.3 feet rear yard setback as referred from planning board for proposed lot line change at Fernandez Drive.

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: My name is Bill Hildreth, I'm a land surveyor who prepared the plan we'll be looking at. I'm representing the property owners, Mrs. Creagan and Mr. Callahan who's also the applicant. What we have here is a lot line change between two homeowners that's basically an exchange of back yards. The Creagan lot was purchased in 1986 and consists of currently just under 30,000 square feet and the Callahan lot was bought in 2004 and is a little under 10,000 square feet. Both of those lots are currently substandard, however, they reside in an R-4 zone in a nice little neighborhood in New Windsor between Union Avenue and Silver Springs Road and neither one of those lots to start with are out of the ordinary with respect to the neighborhood. The exchange parcel is a little over half acre and consists of unused back yard portion of the Creagan lot, they haven't maintained it, they haven't mowed it, haven't done a thing with it since they owned it. Because Mrs. Creagan is elderly and the Callahans are young and starting a family, they have been talking and they decided amongst themselves they'd like to exchange the back yards. The lot line change creates the need for two variances that we're asking for, both of these lots are currently substandard as Mike can tell you with respect to the new zoning, there are a couple of these pre-existing, non-conformities that are unchanged by what we're doing. As an example, lot width there are some that will be removed or decreased but we do need three, the two variances one is since we're making the Creagan lot smaller obviously we need a variance for that lot area, and in making it

smaller, we also need a variance for the rear yard setback line up against the new lot line for the deck on the Creagan lot. The variance we're asking for is not out of line with the neighborhood, in fact, it's less than what the rear yard setback used to be or currently is for the Callahan lot which would disappear as a result of the lot line change. When all is said and done the lot to be transferred is about half an acre, the Creagan lot will be about 7,000 square feet bigger than the Callahan lot was to begin with and the Callahan lot after the lot line change will be about 7,000 square feet smaller than the Creagan lot was to start with. If you look at the, your right corner of the map, you can see a tax map, very good idea of what the lots in the area look like. The Creagan lot for which we're asking for the lot area variance is still going to be larger than the other five lots that touch it with the exception of the new Callahan lot. So there's two variances, the most substantial is the lot area but it's not out of line with the neighborhood.

MR. KANE: Easements going with the proposed--

MR. HILDRETH: No easements, again, lot line change, there's no improvements proposed with this. Obviously, if with a bigger back yard at some point in time Mr. Callahan wants to build a pool, add to the house, whatever, he's got to at least deal with the building department if not planning or zoning depending on what it is he wants to do.

MR. KANE: And you're really taking a really super big lot.

MR. HILDRETH: It's one of the bigger lots in the neighborhood as you can see by looking at the tax map what Mr. Callahan is going to end up with is something slightly smaller, certainly not bigger and the resultant Creagan lot encompasses everything that they have been using since 1986, we purposely located as

part of our survey work the edge of the lawn so that that was incorporated into the remaining Creagan lot.

MR. KANE: Okay, I really don't have any, it's pretty straightforward for me.

MR. TORPEY: It's a good idea.

MR. KANE: I'll ask at this point if there's anybody in the audience for this particular hearing? Seeing as there's not, we'll open and close the public portion of the hearing, ask Myra how many mailings we had.

MS. MASON: On February 8, I mailed out 67 envelopes and had no response.

MR. HILDRETH: None?

MR. KANE: None, nobody cares.

MR. KRIEGER: Just for the record, both lots are developed, there's no plan to put any additional development on the lots?

MR. HILDRETH: Not at the moment and certainly not with the Creagan lot, obviously, with the increase in the back yard at the very least he might want to add to the back of his house and/or put in a pool. There are no plans for that at the moment that I'm aware of. Common sense would dictate that's a possibility.

MR. KRIEGER: But they wouldn't be building a second home?

MR. HILDRETH: That would require a subdivision, that's not in the works.

MR. KRIEGER: Visually for someone looking at this driving by there would be at this point--

MR. HILDRETH: They're not going to know what happened.

MR. KRIEGER: No difference.

MR. HILDRETH: No.

MR. TORPEY: Taxes will go up.

MR. HILDRETH: That's between the two homeowners but the guy driving by isn't going to see that.

MR. KANE: Any other questions? I'll accept a motion.

MS. GANN: I'll offer a motion that we grant Callahan and Creagan's request for 26,777 minimum lot area and 17.3 feet rear yard setback as referred from the planning board for the proposed lot line change at Fernandez Drive.

MR. LUNDSTROM: I'll second that, Mr. Chairman.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

XIAOJL_ZHANG_(06-05)

MR. KANE: Request for 8 ft. side yard setback for proposed attached garage at 14 Truex Drive.

Mr. Xiaojl Zhang appeared before the board for this proposal.

MR. KANE: Tell us what you want to do, sir.

MR. ZHANG: My house I have no car garages and I want to have a car garage, one garage about a size 12 x 24 feet.

MR. KANE: It's a one car garage?

MR. ZHANG: Yes.

MR. KANE: Are there any other detached garages in your neighborhood?

MR. ZHANG: No, I don't know.

MR. TORPEY: This is connected to the house.

MR. KANE: It's connected, okay.

MR. BABCOCK: It's 14 x 20, Mr. Chairman, when this gentleman bought the house the people prior that owned it prior to him had renovated the existing garage into livable space so when this gentleman bought the house he bought it as is without a garage and now he'd like to have a garage to park his car in.

MR. KANE: Not an unreasonable request. We're right on development, we're all right on developmental coverage, Mike?

MR. BABCOCK: I actually didn't do this but I assume we are, Mr. Chairman, it's not on here.

MR. LUNDSTROM: Will there be a paved driveway up to the entrance to the garage?

MR. ZHANG: Yes.

MR. LUNDSTROM: Going to be gravel or what are you envisioning?

MR. ZHANG: Maybe cement.

MR. BABCOCK: There's a gravel parking area there in front of it now, he had started out he wanted to bring the garage to the front of the house towards Truex Drive but as you can see the farther ahead he came the closer to the property line he went. So to make the variance as small as possible, he slid the garage back to the back so he's going to have to build a driveway alongside the house to get to this garage.

MR. KANE: Which means he'll have more on his developmental coverage.

MR. BABCOCK: Well, it's gravel.

MR. KANE: If he goes cement or blacktop then it does right but gravel not.

MR. BABCOCK: Right.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the garage?

MR. ZHANG: No.

MR. KANE: Creating any water hazards or runoffs?

MR. ZHANG: No.

MR. KANE: At this point we'll open it up to the

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public, ask if there's anybody here for this particular hearing. There's not, we'll close the public hearing portion and ask Myra how many mailings.

MS. MASON: On February 8, I mailed out 54 envelopes and had no response.

MR. KANE: Any further questions? I'll accept a motion.

MR. LUNDSTROM: Problem is how do we pronounce the name? Mr. Chairman, I move that the request for, Mr. Zhang's request for an eight foot side yard variance setback for proposed attached garage at 14 Truex Drive in an R-4 zone, tax lot number 70-1-15.8 be approved.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

FORMAL_DECISIONS

1. Mt. Airy Estates
2. Mt. Airy Estates
3. Anthony Damiano
4. Joseph Bonura
5. Jeffrey Ehlers
6. Cumberland Farms

MR. KANE: On the formal decision, what we usually do instead of doing them individually I'll take a request to do them all in one vote. Okay, so I'll accept that motion right now.

MS. GANN: I'll offer the motion to approve all the formal decisions as written.

MR. LUNDSTROM: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

DISCUSSION

MR. KANE: Next thing as to your question whenever you're making a motion it's always in the affirmative, even if you disagree and you're going to vote no, you always make the motion in the affirmative, that's the way it's got to be. Okay? And just if you have any questions that you need to ask on the guy's applications, feel free to ask them, it's all just common sense here, there's nothing crazy.

MR. BABCOCK: You know what he's saying, Pat, if you had a small group tonight just three people it takes three people to have a quorum. So if you were the only two over there and you want to make a motion, you would make a motion to approve the thing and then vote no. So you could make a motion to approve but vote no.

MR. KANE: All the motions have to be in the affirmative so just to cover those little things. And as we go along as things come up, you know, there's a million little things and we'll take a minute after the thing just to go over it.

BOARD_REORGANIZATION

MR. KANE: Next order of business is that we have to have since it's so late in February have a reorganization meeting which means we elect a chairman and a vice chairman.

MS. LOCEY: I'll offer a motion to have Mike Kane as our chairman.

MS. GANN: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	ABSTAIN

MR. KANE: Motion for vice chairman. I would take somebody with experience. I'll make a motion that we have Kim Gann as our vice chairman.

MR. TORPEY: Second it.

ROLL CALL

MS. GANN	ABSTAIN
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn.

MS. GANN: So moved.

MS. LOCEY: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer